IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Rev. No.1235 of 2006 (O&M)
Date of Decision:- 20.02.2007

Brij Bhushan & ors. ....Petitioner(s)

through
Mr.T.P.S.Tung, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

This Criminal Revision Petition is directed against the order dated 30.1.2006 vide which charges under Sections 3, 4, 5, 6, 8, 9, 14, 15, 18 and 21 of the Punjab Apartment and Properties Regulation Act, 1995 have been framed against the petitioners.

Two-fold contentions have been raised. Firstly, it is argued that petitioner No.1 is in Government service, therefore, prior sanction of the Competent Authority was *sine qua non* for his prosecution. Secondly, the land purchased by the petitioners allegedly falls within the urban area, therefore, the provisions of the above-noticed Act are not attracted.

So far as the first contention is concerned, admittedly the sale transaction whereby the petitioners have purchased the piece of land has nothing to do with the performance of official duties by petitioner No.1. No sanction, therefore, was required to prosecute him.

As far as the second plea is concerned, the petitioners are entitled to raise the same at an appropriate stage before the learned trial Court and needless to say, the same shall be gone into in accordance with law.

It is well settled that at the stage of framing of charges, the Court is required to form a *prima facie* opinion only and it is not required to pass a detailed order which may directly or indirectly tinker with merits of the case.

Consequently, I do not find any merit in this revision petition which is accordingly dismissed, however, with liberty as noticed above.

February 20, 2007 **(SURYA KANT)**
poonam **JUDGE**